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**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Case Against:

**Gavin I. Awerbuch, M.D.  
5889 Bay Rd. #104  
Saginaw, MI 48604**

**Physician's and Surgeon's  
Certificate No. G88939**

Respondent.

MBC Case No. 800-2016-028977

**DECISION AND ORDER**

The surrender of Physician's and Surgeon's Certificate No. G88939, by Respondent, Gavin I. Awerbuch M.D., is accepted by the Medical Board of California, Department of Consumer Affairs.

This Decision shall become effective at 5:00 p.m. on the 20<sup>th</sup> day of September, 2017.

Ordered September 13, 2017.

  
**KIMBERLY KIRCHMEYER  
EXECUTIVE DIRECTOR  
MEDICAL BOARD OF CALIFORNIA**

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Certificate No. G88939**

**Respondent.**

**MBC Case No. 800-2016-028977**

**STIPULATION FOR  
SURRENDER OF LICENSE**

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-entitled proceedings, that the following matters are true:

1. Complainant, Kimberly Kirchmeyer, is the Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board").

2. Gavin I. Awerbuch, M.D. ("Respondent") has carefully read and fully understands the effect of this Stipulation.

3. Respondent agrees that based on the action taken by the Arizona Medical Board, (Exhibit A) cause exists to discipline his California Physician's and Surgeon's certificate pursuant to Business and Professions Code sections 141(a) and 2305.

4. Respondent understands that, if proven at hearing, the charges and allegations under investigation would constitute cause for imposing discipline upon Respondent's license issued by the Board.

5. Respondent is aware of each of his rights, including the right to a hearing, the right to confront and cross-examine witnesses who would testify against Respondent, the right to testify and present evidence on his own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, the right to contest any charges and allegations, and other rights which are accorded Respondent pursuant to the

1 California Administrative Procedure Act (Gov. Code, §11500 et seq.) and other applicable laws,  
2 including the right to seek reconsideration, review by the superior court, and appellate review.

3           6.       In order to avoid the expense and uncertainty of a hearing, Respondent  
4 freely and voluntarily waives each and every one of these rights set forth above. Respondent  
5 hereby agrees to surrender Physician's and Surgeon's Certificate No. G88939.

6           7.       Respondent understands that by signing this Stipulation he is enabling the  
7 Board to accept the surrender of his license without further process, as provided by section  
8 11415.60(b) of the Government Code.

9           8.       Upon acceptance of the Stipulation by the Board, Respondent understands  
10 that he will no longer be permitted to practice as a Physician and Surgeon in California, and also  
11 agrees to surrender and cause to be delivered to the Board both his license and wallet certificate  
12 before the effective date of the Decision.

13           9.       Respondent hereby represents that he does not intend to seek relicensure  
14 or reinstatement as a Physician and Surgeon. Respondent fully understands and agrees, however,  
15 that if Respondent ever files an application for relicensure or reinstatement in the State of  
16 California, the Board shall treat it as a Petition for Reinstatement, and the Respondent must  
17 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
18 effect at the time the Petition is filed. Case Report No. 800-2016-028977, including all  
19 referenced attachments and other exhibits, and any additional attachments, and other exhibits,  
20 that may be generated subsequent to the filing of the surrender of license, shall be admissible as  
21 direct evidence, and any time based defenses, such as laches or any applicable statute of  
22 limitations, shall be waived when the Board determines whether to grant or deny the Petition.

23           10.      Respondent understands that this document may be disclosed to the  
24 public, and/or the National Practitioner Data Bank and/or the Federation of State Medical  
25 Boards.

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ACCEPTANCE

I, Gavin I. Awerbuch, M.D., have carefully read the above Stipulation and enter into it freely and voluntarily, with the full knowledge of its force and effect, do hereby surrender Physician's and Surgeon's Certificate No. G88939, to the Medical Board of California. By signing this Stipulation for Surrender of License, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a Physician and Surgeon in the State of California, and I also will cause to be delivered to the Board both my license and wallet certificate before the effective date of the Decision.

DATED: \_\_\_\_\_

8/25/17

  
Gavin I. Awerbuch, M.D.

Respondent

DATED: \_\_\_\_\_

8/25/17

  
WITNESS

## **Exhibit A**



## Arizona Medical Board

9545 E. Doubletree Ranch Road, Scottsdale AZ 85258 • website: [www.azmd.gov](http://www.azmd.gov)  
Phone (480) 551-2700 • Toll Free (877) 255-2212 • Fax (480) 551-2707

### Governor

Douglas A. Ducey

### Members

James Gillard, M.D.  
Chair  
Physician Member

R. Screven Farmer, M.D.  
Vice-Chair  
Physician Member

Jodi Bain, Esq.  
Secretary  
Public Member

Marc Berg, M.D.  
Physician Member

Teresa Connolly, D.N.P.  
Public Member

Gary R. Figge, M.D.  
Physician Member

Robert E. Fromm, M.D.  
Physician Member

Pamela E. Jones  
Public Member

Lois E. Krahn, M.D.  
Physician Member

Edward G. Paul, M.D.  
Physician Member

Wanda Salter, R.N.  
Public Member/R.N.

### Executive Director

Patricia E. McSorley

I, Mary Bober, of the Arizona Medical Board, hereby certify that I am the official custodian of the records of the agency; and that the attached documents are true and complete copies of the documents requested regarding:

Physician Name: Gavin I. Awerbuch, M.D.

License Number: 43610

Attached are the following document(s):

**Document Name:**

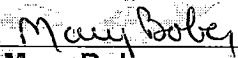
Physician Profile

Order for Surrender of License and Consent to the Same  
Dated December 9th, 2016

**Document # 6 of Pages:**

**Dated this 6th day of January, 2017**

**ARIZONA MEDICAL BOARD**

  
**Mary Bober**  
**Custodian of Records**

MD PROFILE PAGE



Arizona Medical Board

azmd.gov

Printed on 01/06/17 @ 11:07

## General Information

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**Gavin Ira Awerbuch MD**5889 Bay Rd Suite 104  
Saginaw MI 48604  
[REDACTED]

License Number: 43610

License Status: Surrendered

Licensed Date: 06/29/2011

License Renewed:

Due to Renew By:

## Education and Training

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Medical School: WAYNE STATE UNIV SCH OF MED  
DETROIT, MI

06/06/1984

Graduation Date:

Internship: 07/01/1984 - 06/30/1985 (Neurology)  
DETROIT RECEIVING HOSPITAL (WAYNE STATE UNIVERSITY)  
DETROIT, MIResidency: 07/01/1985 - 06/30/1986 (Neurology)  
WAYNE STATE UNIVERSITY HOSPITALS ACGME Approved  
DETROIT, MIResidency: 07/01/1986 - 06/30/1988 (Neurology)  
UNIVERSITY MEDICAL CENTER ACGME Approved  
TUCSON, AZ

Fellowship: 07/01/1988 - 06/30/1989 (Neuromuscular Medicine (Physical Medicine &amp; Rehabilitation))

WAYNE STATE UNIVERSITY SCHOOL OF MEDICINE  
DETROIT, MI

Area of Interest Neurology

Area of Interest Sleep Medicine (Psychiatry & Neurology)

The Board does not verify current specialties. For more information please see the American Board of Medical Specialties website at <http://www.abms.org> to determine if the physician has earned a specialty certification from this private agency.

## Board Actions

12/09/2016

Surrender

A person may obtain additional public records related to any licensee, including dismissed complaints and non-disciplinary actions and orders, by making a written request to the Board. The Arizona Medical Board presents this information as a service to the public. The Board relies upon information provided by licensees to be true and correct, as required by statute. It is an act of unprofessional conduct for a licensee to provide erroneous information to the Board. The Board makes no warranty or guarantee concerning the accuracy or reliability of the content of this website or the content of any other website to which it may link. Assessing accuracy and reliability of the information obtained from this website is solely the responsibility of the user. The Board is not liable for errors or for any damages resulting from the use of the information contained herein.

Please note that some Board Actions may not appear until a few weeks after they are taken, due to appeals, effective dates and other administrative processes.

Board actions taken against physicians in the past 24 months are also available in a chronological list.

Credentials Verification professionals, please click [here](#) for information on use of this website.



1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **GAVIN AWERBUCH, M.D.**

5 Holder of License No. 43610  
6 For the Practice of Medicine  
In the State of Arizona.

Case No. MD-16-0869A

**ORDER FOR SURRENDER OF  
LICENSE AND CONSENT  
TO THE SAME**

7 Gavin Awerbuch, M.D. ("Respondent"), elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Surrender of License; admits the  
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and  
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 43610 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-16-0869A after receiving Respondent's  
17 2016 license renewal application where he disclosed that a complaint was filed against  
18 him by the U.S. Attorney's Office alleging Medicare fraud and inappropriate prescribing of  
19 narcotic medications.

20 4. On May 2, 2014, a criminal complaint was filed in the United States District  
21 Court for the Eastern District of Michigan alleging that Respondent billed Medicare and  
22 other insurers for diagnostic studies that were not provided as well as prescribed Subsys  
23 outside the scope of legitimate medical practice and for no legitimate purpose. The  
24 complaint alleged that Respondent, a neurologist, billed for nerve conduction studies and  
25

1 needle electromyographies that were not, in fact, conducted and provided Subsys for  
2 patients not diagnosed with cancer or reporting severe pain.

3 5. On November 7, 2016, Respondent entered a guilty plea to one count of  
4 violating 21 U.S.C. § 841(A)(1) (controlled substance distribution) and one count of  
5 violating 18 U.S.C. § 1347 (health care fraud) in the above referenced criminal matter.

6 **CONCLUSIONS OF LAW**

7 1. The Board possesses jurisdiction over the subject matter hereof and over  
8 Respondent.

9 2. The conduct and circumstances described above constitute unprofessional  
10 conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws, rules or  
11 regulations applicable to the practice of medicine."). Specifically, Respondent's conduct  
12 violated 21 U.S.C. § 841(A)(1) and 18 U.S.C. § 1347.

13 23. The Board possesses statutory authority to enter into a consent agreement  
14 with a physician and accept the surrender of an active license from a physician who  
15 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

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1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy  
4 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the  
5 entry of the Order. Respondent may not make any modifications to the document. Any  
6 modifications to this original document are ineffective and void unless mutually approved  
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal  
9 disciplinary action of the Board and will be reported to the National Practitioner's Data  
10 Bank and on the Board's web site as a disciplinary action.

11 8. If the Board does not adopt this Order, Respondent will not assert as a  
12 defense that the Board's consideration of the Order constitutes bias, prejudice,  
13 prejudgment or other similar defense.

14 9. *Respondent has read and understands the terms of this agreement.*

15

16



Dated: 11/29/16

17

GAVIN AWERBUCH, M.D.

18

EXECUTED COPY of the foregoing mailed by  
19 US Mail this 9<sup>th</sup> day of December, 2016 to:

20

Gavin Awerbuch, M.D.  
Address of Record

21

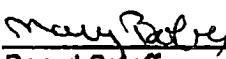
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ORIGINAL of the foregoing filed this  
9<sup>th</sup> day of December, 2016 with:

23

The Arizona Medical Board  
9545 East Doubletree Ranch Road  
24 Scottsdale, AZ 85258

25

  
Board Staff

NOV 30 2016 11:10 AM